

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 797**  
**94TH GENERAL ASSEMBLY**

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Reported from the Committee on Elections April 10, 2008 with recommendation that House Committee Substitute for Senate Bill No. 797 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

3178L.02C

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**AN ACT**

To repeal sections 115.087, 115.315, and 115.327, RSMo, and to enact in lieu thereof three new sections relating to elections.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 115.087, 115.315, and 115.327, RSMo, are repealed and three new  
2 sections enacted in lieu thereof, to be known as sections 115.087, 115.315, and 115.327, to read  
3 as follows:

115.087. 1. In each county which does not have a board of election commissioners, the  
2 election judges shall be selected from lists provided by the county committee of each major  
3 political party or, **if no such adequate list is provided by the county committee, then the**  
4 **judges chosen for the political party or parties whose county commission failed to provide**  
5 **an adequate list may be selected** as authorized pursuant to section 115.081. Not later than  
6 December tenth in each year in which county committeemen are elected, the county committee  
7 of each major political party shall submit to the election authority a list of persons qualified to  
8 serve as election judges in double the number required to hold a general election in the county.  
9 For each election, the election authority shall select and appoint the number of judges required  
10 to hold the election. If a county committee fails to present the prescribed number of names of  
11 qualified persons by the time prescribed, the election authority may select and appoint the  
12 number of judges provided by law for the county committee's party. If the election authority

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 deems any person on a list to be unqualified, the election authority may request the county  
14 committee which submitted the list to furnish another name.

15       2. The state chairperson of each established political party may, in jurisdictions where  
16 no county committee exists and where the county clerk is the election authority, submit a list of  
17 persons qualified to serve as election judges to the county clerk. The county clerk may select and  
18 appoint additional judges from such list pursuant to section 115.081.

19       3. County clerks may compile a list of persons who claim no political affiliation and who  
20 volunteer to be election judges. A county clerk may select and appoint additional judges from  
21 such list pursuant to section 115.081.

115.315. 1. Sections 115.315 to 115.327 shall be known and may be cited as the "Fair  
2 Ballot Access Act".

3       2. Any group of persons desiring to form a new political party throughout the state, or  
4 for any congressional district, state senate district, state representative district or circuit judge  
5 district, shall file a petition with the secretary of state. Any group of persons desiring to form  
6 a new party for any county shall file a petition with the election authority of the county.

7       3. Each page or a sheet attached to each page of each petition for the formation of a new  
8 political party shall:

9       (1) Declare concisely the intention to form a new political party in the state, district or  
10 county;

11       (2) State in not more than five words the name of the proposed party;

12       (3) [If presidential electors are to be nominated by petition, at least one qualified resident  
13 of each congressional district shall be named as a nominee for presidential elector. The number  
14 of candidates to be nominated shall equal the number of electors to which the state is entitled,  
15 and the name of their candidate for president and the name of their candidate for vice president  
16 shall be printed on each page or a sheet attached to each page of the petition. The names of the  
17 candidates for president and vice president may be added to the party name, but the names of the  
18 candidates for president and vice president shall not be printed on the official ballot without the  
19 written consent of such persons. Their written consent shall accompany and be deemed part of  
20 the petition;

21       (4)] Give a complete list of the names and addresses, including the street and number,  
22 of the chairman and treasurer of the party.

23       4. When submitted for filing, each petition shall contain the names and addresses of two  
24 people, not candidates, to serve as provisional chairman and treasurer for the party in the event  
25 the party becomes a new political party.

26       5. If the new party is to be formed for the entire state, which shall include being formed  
27 for all districts and counties in which the party has nominations so listed on its certified list of

28 candidates required pursuant to section 115.327, then this statewide petition shall be signed by  
 29 at least ten thousand registered voters of the state obtained at large.

30 6. If the new party is to be formed for any district or county, but not by the statewide  
 31 method set out in subsection 5 of this section, then the petition shall be signed by the number of  
 32 registered voters in the district or county which is equal to at least two percent of the total  
 33 number of voters who voted at the last election for candidates for the office being sought or is  
 34 equal to ten thousand voters, whichever is less.

115.327. When submitted for filing, each petition for the nomination of an independent  
 2 candidate or for the formation of a new political party shall be accompanied by a declaration of  
 3 candidacy for each candidate to be nominated by the petition or by the party, respectively. The  
 4 party's duly authorized chairman and treasurer shall also submit a certified complete list of the  
 5 names and addresses of all their candidates and the office for which each seeks. The party shall  
 6 nominate its candidates in the manner prescribed in the party's bylaws. **If presidential electors**  
 7 **are to be nominated, at least one qualified resident of each congressional district shall be**  
 8 **named as a nominee for presidential elector. The number of candidates to be nominated**  
 9 **shall equal the number of electors to which the state is entitled.** Each declaration of  
 10 candidacy for the office of presidential elector shall be in the form provided in section 115.399.  
 11 Each declaration of candidacy for an office other than presidential elector shall state the  
 12 candidate's full name, residence address, office for which he proposes to be a candidate, the  
 13 party, if any, upon whose ticket he is to be a candidate and that if nominated and elected he will  
 14 qualify. Each such declaration shall be in substantially the following form:

15 I, ....., a resident and registered voter of the ..... precinct of the town of  
 16 ..... or the ..... precinct of the ..... ward of the city of ....., or  
 17 the ..... precinct of ..... township of the county of ..... and the state of  
 18 Missouri, do announce myself a candidate for the office of ..... on the ..... ticket,  
 19 to be voted for at the general (special) election to be held on the ..... day of .....,  
 20 20...., and I further declare that if nominated and elected I will qualify.

21 .....	Subscribed and sworn to
22 Signature of candidate	before me this .....
23	day of ....., 20....
24 .....	.....
25 Residence address	Signature of election
26	official or officer
27	authorized to administer
28	oaths

29 Each such declaration shall be subscribed and sworn to by the candidate before the election  
30 official accepting the candidate's petition, a notary public or other officer authorized by law to  
31 administer oaths.

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